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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/131,637	08/10/1998	NANCY A. TAMMARO	FMC-0954-PUS	8096

28395 7590 02/13/2003

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EXAMINER

AKERS, GEOFFREY R

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 02/13/2003

21

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application

09/13/637

Applicant(s)

Kommers

Examiner

Hes G

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Confirmation No.

- The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 2/2/03
- ☒ This action is **FINAL**. ☐ This action is non-final.
- ☐ Since this application is in condition for allowance except for the formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-3, 7-10, 12 is/are pending in this application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-3, 7-10, 12 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved or ☐ disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.
- ☐ The drawing(s) filed on _____ is/are ☐ accepted or ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d) or (f).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____.
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received:

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- ☐ The translation of the foreign language provisional application has been received.
- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Person # 21

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DETAILED ACTION

Reply to Response

1. This action is issued in response to applicant's Response(Paper #20) filed 2/3/03.
2. No more claims were deleted. None were added. None were amended.
3. Claims 1-3,7-10, 12 are pending.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Independent claims 1,8 are rejected under 35 USC 112, first paragraph as containing subject matter which was not described in the specification in such a way as to as to reasonably convey to one skilled in the relevant art that the inventor(s) at the time the application was filed, indeed had possession of the claimed invention. In particular, claims 1,8 are rejected herein under 35 USC 112, first paragraph for the reasons set forth in the ensuing objection to the specification.

The specification is objected to under 35 USC 112, first paragraph, as failing to support the subject matter set forth in the claims. The specification as originally filed does not provide support for the invention as now claimed.

The test to be applied under the written description portion of 35 USC 112, first paragraph, is whether the disclosure of the application as originally filed reasonably convey to the artisan that the inventor had actual possession at that time of later claimed subject matter. Vas-Cat. Inc.

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V. Mahurkar, 935 F.2d 1555, 1565, 19 USPQ2d 111, 1118 (Fed. Cir. 1991), reh'g denied (Fed. Cir. July 8, 1991) reh'g en banc denied (Fed. Cir. July 29, 1991).

Claims 1,8 include the limitation “ automatically transmitting the collected vehicle information to an appropriate licensing agency to facilitate licensing of the vehicle” and “receiving a completed application form from the user including licensing information associated with a vehicle being purchased or leased” and “an information field in which the user designates a particular financial institution or service provider, and an information field in which licensing information associated with the vehicle being purchased or leased is input”. However, the specification does not providing a written or enabling disclosure to support these steps cited with respect to the element “licensing information”.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3, 7-10,12 are rejected under 35 USC 103(a) as being unpatentable over DeFrancesco(US Pat. No: 5,878,403) in view of Bennett(US Pat. No: 6,092,121) and further in view of Mulqueen(Communications Week “Users Test Real-Time Car Registration)(n454/p15) (May 17,1993).The rejections as cited in the Final Office action are maintained and repeated.

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DeFrancesco teaches an Internet based method and system for electronic credit/loan applications as addressed in paragraph 1 of Paper #10, incorporating discussion of paragraph 6 of Paper #7, including receiving a completed application that includes licensing information (VIN)(col 12 line 24 et seq.) as well as disclosing authorization to receive forms, encryption, and insurance information collection. DeFrancesco does not specifically disclose transmitting licensing information to a licensing agency to facilitate vehicle licensing and reformatting application information. Bennett discloses an Internet-based method and system for electronic credit/loan applications, including which includes transmitting licensing information to an appropriate licensing agency(DMV)(col 5 line 20 et seq.) and data reformatting information(facsimile transmissions for service providers)(col 5 line 5 et seq)(col 5 line 23 et seq.).Bennett further teaches that data reformatting for processing by designated institutes or providers furnishes a necessary means for communicating sales and relevant data to service providers(DMV, finance and credit report entities)(col 1 line 65 et seq)(col 3 line 25 et seq)(col 5 line 37 et seq) as well as increasing customer satisfaction through streamlined loan application processing in conjunction with vehicle sales through the transmission of licensing information to a licensing agency(col 5 lines 14 et seq.)It would have been obvious to one of ordinary skill in the art at the time of the invention to combine DeFransco in view of Bennett to teach the above. The motivation to combine is to teach a reliable and secure means of transmission of financial information over the Internet in a transaction processing system as applied to credit/loan applications as enunciated by Bennett(col 1 lines 63-65). Bennett does not necessarily teach real

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time processing. Mulqueen teaches registration of cars and trucks in real time(page 1).It would have been obvious to one of ordinary skill in the art at the time of the invention to combine DeFrancesco in view of Bennett and further in view of Mulqueen to teach applicant's invention. The motivation to combine is to teach a secure communications system utilized in information transdmission over the Internet for a financial transaction processing system incorporating the registration of vehicles in real time as enunciated by Mulqueen(page 1).

Response to Arguments

8. Applicant's arguments filed 2/3/03 have been fully considered but they are not persuasive. The specification does not providing a written or enabling disclosure to support these steps cited with respect to the element "licensing information". Nowhere in the specification is "licensing information" addressedor specifically derscribed as tow hat constitutes it.The concepts presented in the claims thus comprise new matter.

Similarly, as cited in Bennett (col 5 line 29-col 6 line 28) the Internet is used as a "configurable WAN." .The transaction server 27 tracks all information on transactions between dealers and their partners including but not limited to credit bureaus, exchange servers at financial institutions and the facsimile server which can include intercommunication between the dealer and the licensing bureau as taught by the applicant's disclosure.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any questions concerning this communication should be addressed to the examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the examiner are unsuccessful, the examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-1113.

GRA


February 17, 2003